

FILED IN OPEN COURT
DATE 6/21/12
BY K. Dotson
DEPUTY CLERK

IN THE
UNITED STATES DISTRICT COURT HARRISONBURG DIVISION, W.D. of VA
FOR THE
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION
JUNE 2012 SESSION

UNITED STATES OF AMERICA : Criminal No.: 5:12CR00026
: In violation of:
v. :
: 18 U.S.C. §§ 2251(a) and 2251(e)
JAMES ROBERT COBLER : 18 U.S.C. §§ 2252(a)(1) and 2252(b)(1)
: 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2)

INDICTMENT

Count One

The Grand Jury charges:

That between in or about September 2011 and in or about May 2012, the exact date being unknown to the Grand Jury, in the Western Judicial District of Virginia, the defendant, JAMES ROBERT COBLER, did employ, use, persuade, induce, entice, or coerce a minor boy, who was then approximately four years old, to engage in sexually explicit conduct, including oral-genital contact with the defendant and masturbation of the minor boy by the defendant, for the purpose of producing a visual depiction of such conduct, namely, a video, and such visual depiction was produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Two

The Grand Jury charges:

That between in or about September 2011 and in or about May 2012, the exact date being unknown to the Grand Jury, but on a separate occasion as that set forth in Counts One and Three, in the Western Judicial District of Virginia, the defendant, JAMES ROBERT COBLER, did employ, use, persuade, induce, entice, or coerce a minor boy, who was then approximately four years old, to engage in sexually explicit conduct, including oral-genital contact with the defendant, and the lascivious exhibition of the minor's genitals or pubic area, for the purpose of producing one or more visual depictions of such conduct, namely, one or more digital images, and such visual depictions were produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Three

The Grand Jury charges:

That between in or about September 2011 and in or about May 2012, the exact date being unknown to the Grand Jury, but on a separate occasion as that set forth in Counts One and Two above, in the Western Judicial District of Virginia, the defendant, JAMES ROBERT COBLER, did employ, use, persuade, induce, entice, or coerce a minor boy, who was then approximately four years old, to engage in sexually explicit conduct, including the lascivious exhibition of the minor's genitals or pubic area, for the purpose of producing one or more visual depictions of such conduct, namely, one or more digital images, and such visual depictions were produced using materials that had been

mailed, shipped, or transported in or affecting interstate or foreign commerce by any means.

In violation of Title 18, United States Code, Sections 2251(a) and 2251(e).

Count Four

The Grand Jury charges:

That on or about April 20, 2012, in the Western Judicial District of Virginia, JAMES ROBERT COBLER did knowingly transport, using any means or facility of interstate or foreign commerce, one or more visual depictions, namely digital images, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction(s) were of such conduct.

In violation of Title 18, United States Code, Sections 2252(a)(1) and 2252(b)(1).

Count Five

That on or about May 3, 2012, in the Western Judicial District of Virginia, JAMES ROBERT COBLER, did knowingly possess at least one matter which contained a visual depiction that had been shipped or transported using any means or facility of interstate or foreign commerce, or that had been shipped or transported in or affecting interstate or foreign commerce, or that was produced using materials which had been mailed, or shipped or transported using any means or facility of interstate or foreign commerce, including by computer, and the production of such visual depiction

involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct.

In violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

NOTICE OF FORFEITURE

1. Upon conviction of one or more of the felony offenses alleged in this Indictment, the defendant shall forfeit to the United States:

- a. any visual depiction described in 18 U.S.C. §§ 2251, 2251A, or 2252, 2252A, 2252B or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of law, pursuant to 18 U.S.C. § 2253(a)(1).
- b. any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from said violation of law, pursuant to 18 U.S.C. § 2253(a)(2).
- c. any property, real or personal used or intended to be used to commit or to promote the commission of said violation of law, or any property traceable to such property, pursuant to 18 U.S.C. § 2253(a)(3).

2. The property to be forfeited to the United States includes but is not limited to the following property:

a. **Money Judgment**

An undetermined sum of United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate was obtained directly or indirectly as a result of said offenses or is traceable to such property.

b. Computer and/or Electronic Equipment

- (1) Gateway, Computer (Tower), Serial Number: 0028367262.
- (2) ASUS, Laptop Computer, Model: G73J, Serial Number: A8N0AS77609135C.
- (3) Hewlett-Packard, Pavilion, Laptop Computer, Serial Number: CNF6464194.
- (4) Compaq, Presario, Laptop Computer, Serial Number: CNF3430KLF.
- (5) Acer, Aspire X1700, Computer (Tower), Serial Number: PTSBF0X019848047943000.
- (6) SiPix, StyleCam Pro, 1.3 Mega Pixel, Digital Camera, Serial Number: 0211053875.

c. All such material containing the above-described visual depictions;

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p).

A TRUE BILL, this 21 day of June, 2012.

James M. Battaglia
FOREPERSON

Timothy J. Heaphy (n.s.t.)
TIMOTHY J. HEAPHY
UNITED STATES ATTORNEY